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Most Recent Summaries

US v. Dunston

March 15, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentences and convictions of conspiring to possess with intent to distribute both crack cocaine and powder cocaine, 21 U.S.C. sections 841(a)(1) and 846, possession of crack cocaine with intent to distribute, section 841(a)(1), and being a felon in possession of a firearm and ammunition, 18 U.S.C. section 922(g)(1), are: 1) affirmed as to convictions and two of the three sentences; and 2) remanded with respect to the third sentence where the government concedes that the district court relied on too weak a foundation in classifying the defendant as a career offender, and the error was not harmless.

US v. Camacho-Santiago

March 15, 2017

Evidence, Criminal Law & Procedure

(United States First Circuit) - Conviction of two counts of drug trafficking based on defendant's involvement in a criminal conspiracy to move cocaine in luggage stowed on commercial airline flights from Puerto Rico to the mainland U.S., is affirmed where: 1) evidence was sufficient to sustain his conviction as a member of the conspiracy charged in the indictment and proven at trial; and 2) there is no other reversible error.

Berkshire Environmental Action v. Tennessee Gas Pipeline Co.

March 15, 2017

Civil Procedure, Administrative Law, Environmental Law, Oil and Gas Law

(United States First Circuit) - In an unusual petition for review arising out of a state administrative proceeding, involving the Federal Energy Regulatory Commission's (FERC) grant of a certificate of public convenience and necessity required under the Natural Gas Act (NGA), the petition is dismissed where, because the agency itself has not yet finally acted on the matter that is before the court, there is no jurisdiction under 15 U.S.C. section 717r(d)(1).

O'Connor v. Oakhurst Dairy

March 13, 2017

Labor & Employment Law

(United States First Circuit) - In a dispute between a Maine dairy company and its delivery drivers concerning the scope of an exemption from Maine's overtime law, 26 M.R.S.A. section 664(3), the district court's grant of summary judgment to defendant is reversed where: 1) the exemption's scope is not clear; and 2) because, under Maine law, ambiguities in the state's wage

and hour laws must be construed liberally in order to accomplish their remedial purpose, the court adopts the drivers' narrower reading of the exemption.

US v. Kar

March 13, 2017

Criminal Law & Procedure

(United States First Circuit) - Conviction of bank fraud and conspiracy to commit bank fraud, in violation of 18 U.S.C. sections 1344 and 2, is affirmed over defendant's arguments that the district court deprived him of his Sixth Amendment right to effective counsel by refusing to grant his request for a new lawyer, further deprived him of his Sixth Amendment right to counsel by allowing defendant to represent himself at trial when he had not unequivocally waived that right, and abused its discretion when it declined to dismiss a juror for potential bias.

US v. Diaz-Rodriguez

March 13, 2017

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for guilty plea to aiding and abetting others in the possession of a firearm that was discharged during a robbery, in violation of 18 U.S.C. sections 924(c)(1)(A)(iii) and 2, is affirmed over defendant's claim that his sentence should be vacated for lack of a factual basis to support his guilty plea, where there was no error in the district court's acceptance of defendant's guilty plea with regards to the aiding and abetting count.